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| Environmental Compliance Assurance Procedure for Maintenance Work Activities                                       | IL 4057.01         |
| Originating Organization<br>Engineering and Regional Operations Division<br>Environmental and Engineering Programs |                    |

## Remarks and Instructions

### Extended Instructional Letter

This Instructional Letter IL 4055.01 Environmental Compliance Assurance Procedure for Maintenance Work Activities, dated March 31, 2003, is extended until March 31, 2005.

### What Has Changed

There are no changes except the date extension.

### Keep Employees Informed

Please consider your organization's need to send an e-mail informing employees this is available on the intranet at <http://wwwi.wsdot.wa.gov/docs>. Also, consider your need to provide copies to those employees who do not have e-mail or Intranet access, and to post copies on major bulletin boards.

### For More Information

For more information, please contact Alix Berg of the Environmental and Engineering Programs Office (360) 705-7485, MS 47331

|   |                                |           |
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Number: IL 4057.01

/s/ John F. Conrad  
Assistant Secretary for Engineering and  
Regional Operations Division

Effective: March 31, 2003  
Expires: ~~March 31, 2004~~  
March 31, 2005

## **Environmental Compliance Assurance Procedure For Maintenance Work Activities**

### **Introduction**

#### **Purpose**

This Instructional Letter provides the Washington State Department of Transportation (WSDOT) with the *Environmental Resource Compliance Assurance Procedure for Maintenance Work Activities*. The purpose of this procedure is to recognize potential problems that could occur within the right-of-way during fieldwork for selected maintenance activities. This procedure provides guidance to ensure prompt notification to the appropriate WSDOT environmental staff, management, and resource agencies.

#### **Background**

The *Environmental Resource Compliance Assurance Procedure for Maintenance Work Activities* provides a standard procedure for identifying unanticipated, unauthorized, or un-permitted environmental conditions encountered during WSDOT maintenance work activities. This procedure is intended to raise awareness and reduce or eliminate the occurrence of environmental violations during fieldwork in WSDOT right-of-way for selected maintenance activities.

## Scope and term of this Instructional Letter

This Instructional Letter applies to WSDOT maintenance work activities. Procedures are effective immediately and continue for one year or until rescinded or extended in writing. The procedure will be published in the [Environmental Procedures Manual M 31-11](#) within one year.

## Appendix

Please refer to attached Appendix A, *Environmental Compliance Assurance Procedure for Maintenance Work and Activities*.

***Alternate Formats:*** Persons with disabilities may request this information be prepared and supplied in alternate formats by calling the WSDOT ADA Accommodation Hotline collect 206-389-2839. Persons with hearing impairments may access WA State Telecommunications Relay Service at TT 1-800-833-6388, Tele-Braille 1-800-833-6385, or Voice 1-800-833-6384, and ask for connection to 360-705-7097.

## **Environmental Compliance Assurance Procedure for Maintenance Work Activities**

### **Purpose**

The purpose of the Environmental Resource Compliance Assurance Procedure for Maintenance Work Activities is to recognize potential problems that could occur within the right-of-way (ROW) during fieldwork for selected maintenance activities, and to coordinate appropriate response measures to prevent violations. The procedure provides guidance to ensure prompt notification to the appropriate Washington State Department of Transportation (WSDOT) environmental staff, management, and government resource agencies such as: United States (US) National Oceanic and Atmospheric Administration. (NOAA) Fisheries; US Fish & Wildlife Service (USFWS); US Army Corps of Engineers; Washington Department of Fish and Wildlife (WDFW); Washington Department of Ecology; and local Shoreline Administrators.

### **A. Notification Triggers**

**Resource Agencies:** Communication requirements with the appropriate resource agencies are defined in the Regional Road Maintenance Endangered Species Act Program Guidelines (RRMP) under the Part 3 Application. Specific notification from maintenance crews to the resource agencies is required in the following situations:

#### **1. In-Water Work**

Maintenance work in or adjacent to streams, wetlands, lakes, marine water or other water bodies may require some form of environmental review and/or notification, although in most cases formal permits may not be required. This is coordinated through the Regional Maintenance Environmental Coordinator (RMEC). The RMEC must be notified before beginning any work activity within sensitive or aquatic areas. If prior notification is not possible due to an emergency action, the Region Environmental Services Office must be informed the first business day following an emergency declaration.

2. Emergency In-Water Work

The Washington State Department of Fish and Wildlife (WDFW) through the state Hydraulic Code does require immediate notification for any emergency work in waters of the state. For emergency response work involving in-water work Maintenance staff will immediately call the local Area Habitat Biologist with jurisdiction in the affected watershed, or failing to make that contact, the **WDFW emergency hotline at 360-902-2537**.

The RMEC or Region Environmental Services Office will make additional notifications required for in-water work on the first business day following the response notification. Following notification, the Environmental Services Office will commence environmental permitting and endangered species impact assessment as required.

It is important to note that the initial emergency response work is to stabilize the affected area only, minimizing adverse environmental effects, and using Best Management Practices (BMPs) to avoid further impact. The normal design, construction and permit will be followed for permanent repairs as may be necessary after stabilizing the initial emergency.

**B. Post-Project Construction Requirements**

When a construction project has been completed, the Project Engineer (PE) must provide notification to the Regional Environmental Manager. The Regional Environmental Manager, in consultation with the PE, should then brief Regional Maintenance Superintendents and Maintenance Environmental Coordinators on any environmental permit conditions with post-construction requirements and on all mitigation sites in the project area needing avoidance or protection. Perform this briefing according to Regional procedures.

**C. Corrective Actions & Violation Notification Process**

**1. BMP Corrective Actions**

During the course of maintenance work, BMPs are installed and monitored. BMP monitoring occurs both during and after the maintenance work itself to evaluate the effectiveness.

- a. The **site monitor** (lead technician or designee) will:
  - 1) Notify the lead technician and/or the RMEC of any apparent failures to meet BMP outcomes.
  - 2) Provide corrective action recommendations if appropriate. If a problem occurs, corrective action will be taken to avoid impacts and to achieve the BMP outcome.
- b. Whenever corrective actions are taken, the **Regional Maintenance Environmental Coordinator (RMEC)** will:
  - 1) Evaluate the actions and their effectiveness. The RMEC will fill out Regional Road Maintenance Endangered Species Act Program Guidelines (RRMP) Checklist #3, Activity and BMP Installation, Monitoring, Maintaining, and Removal, and note any corrective actions taken.
  - 2) Recommendations for modification to the RRMP, which includes the ESA Training Program for Maintenance, are forwarded to the Headquarters Maintenance and Operations Program Water Quality Policy Manager. The Headquarters Maintenance and Operations Program Water Quality Policy Manager forwards any recommendations for modifications to the RRMP to the Regional Forum. Final program changes, as approved by the Services, are used to update the RRMP.

## 2. Violation Reporting

- a. If the corrective actions result in a violation the **Regional Maintenance Environmental Coordinator (RMEC)** must:
  - 1) Serve as the lead for resolving the issue that caused the violation.
  - 2) Immediately notify the Maintenance Superintendent, Regional Environmental Manager, resource agencies, and the Headquarters Maintenance and Operations Program Water Quality Policy Manager.

- 3) Identify and obtain appropriate permits or permit revisions with the aid of the Maintenance Superintendent and support of the Regional Environmental Manager.
  - 4) Document all actions, conversations and activities. Communicate issues and send appropriate documentation to the appropriate resource agencies.
- b. The **Maintenance Superintendent** must immediately:
- 1) Notify the Regional Maintenance Engineer.
  - 2) Work with the Regional Maintenance Environmental Coordinator to resolve the issue that caused the violation.
- c. The **Regional Maintenance Engineer** will:
- Notify the Regional Administrator.
- d. The **Regional Administrator** will:
- 1) Coordinate with the **Director of Maintenance and Operations** to contact the **Assistant Secretary for Engineering and Regional Operations Division** advising him or her of the situation, and provide updates as needed on the situation.
  - 2) Ensure that the **Regional Maintenance Environmental Coordinator** and the **Maintenance Superintendent** have the necessary resources, authority and organizational support to successfully resolve the environmental problem.
- e. The **Regional Environmental Manager** must immediately:
- 1) Notify the Director of Environmental Services.
  - 2) Document the details of the notification process and problem resolution in a central data base to be used to report, as may be required by an Environmental Management System, on agency compliance with environmental regulations.

- f. The **Director of Environmental Services** must immediately:  
  
Notify Regulatory Compliance Program Manager and any other Environmental Affairs Office Program Managers associated with the resource issue.
- g. The **Headquarters Maintenance and Operations Programs Water Quality (HQ M&OP WQ) Policy Manager** must immediately:  
  
Notify the Headquarters Maintenance and Operations Environmental Services Manager.
- h. The **Headquarters Maintenance and Operations Programs Environmental Services Manager** must immediately:  
  
Notify the State Maintenance Engineer.
- i. The **State Maintenance Engineer** must immediately:  
  
Notify the Director of Maintenance and Operations Programs.
- j. The **Director of Maintenance and Operations Programs** will:  
  
Coordinate with the **Regional Administrator** to contact the **Assistant Secretary for Engineering and Regional Operations Division** advising him or her of the situation, and provide updates as needed on the situation.

The violation notification process is shown on Figure 1, next page.



Figure 1:

